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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ELLEN LUNTS and ALEXANDER LUNTS,

Plaintiffs,

-v-

07-CV-6272T

**ORDER**

ROCHESTER CITY SCHOOL DISTRICT,  
SUNY EMPIRE STATE COLLEGE, and  
STATE UNIVERSITY of NEW YORK (SUNY),

Defendants.

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Plaintiffs Ellen and Alexander Lunts have made a motion pursuant to rule 55(b) (1) and (2) for default judgment. A review of the docket indicates that there is no return of service filed with the Court with regard to the Rochester City School District, and there is otherwise no indication that the Rochester City School District has been served. The Clerk of the Court has not entered an entry of default. Plaintiffs' motion for a default judgment is denied.

It is plaintiffs' responsibility to ensure that service is made on the Rochester City School District. Plaintiffs suggest that the Court order service pursuant to Federal Rule of Civil Procedure 4(d). In order to avoid costs to the Plaintiffs, the

Court encourages them to utilize Rule 4(d). The manner in which the Waiver of Service is used is set out clearly in Rule 4(d)(2). Plaintiffs time to effect service is hereby extended until December 31, 2007.

**SO ORDERED.**

S/ Michael A. Telesca

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MICHAEL A. TELESCA  
United States District Judge

Dated: November 16, 2007  
Rochester, New York